

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NEIL SOOROOJBALLIE,

Plaintiff,

v.

ORDER

15-CV-1230 (WFK)

PORt AUTHORITY OF NEW YORK
AND NEW JERSEY and GARY
FRATTALI,

Defendants.

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WILLIAM F. KUNTZ, II, United States District Judge:

In light of the June 4, 2020 order from the United States Court of Appeals for the Second Circuit, ECF No. 105 (“Circuit Order”), IT IS HEREBY ORDERED:

1. As articulated by the Second Circuit, “[g]iven the structure, funding, and purpose of the Port Authority, the Port Authority stands in the shoes of a municipality for purposes of § 1981 or § 1983.” Circuit Order at 4. As such, Plaintiff’s *Monell* claim against Defendant Port Authority of New York and New Jersey is dismissed.
2. Plaintiff’s emotional distress claim is “significant” but falls “short of the shocking, prolonged discriminatory conduct and/or long-term emotional harm that are part and parcel of the larger damage awards that can be sustained for egregious cases.” Circuit Order at 15, 17. Therefore, the award of emotional distress damages to Plaintiff is reduced as a matter of law from \$2,160,000.00 to \$250,000.00.

3. The jury award of punitive damages to Plaintiff from Defendant Gary Frattali in the amount of \$150,000.00 is upheld, as the Second Circuit found “no basis to vacate or reduce the jury’s award of punitive damages.” Circuit Order at 21.
4. Further, the question of the reasonableness of the award of attorneys’ fees to Plaintiff is referred to the Honorable Magistrate Judge Peggy Kuo for a report and recommendation. The report and recommendation should “fully consider defendants’ opposition and [] provide the grounds” for the fee to be approved. Circuit Order at 23. The Court directs the parties to file their submissions on this issue to Magistrate Judge Kuo on or before Friday, July 31, 2020, with any responses to be filed on or before Friday, August 14, 2020. Magistrate Judge Kuo is respectfully requested to file her report and recommendation within sixty (60) days of the completion of briefing and any oral argument.

SO ORDERED.

s/ WFK

WILLIAM F. KUNTZ, II
United States District Judge

Dated: June 9, 2020
Brooklyn, New York